

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Class "B" Office Building

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: MacKenzie Properties, Inc.
(Type or Print Name)
BY: [Signature]
Signature
2324 West Joppa Road
Address
Lutherville, Maryland 21093
City and State
Attorney for Petitioner:
White, Mindel, Clarke & Hill
(Type or Print Name)
Signature R. Bruce Alderman
City and State
29 West Susquehanna Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-824-1050
Telephone No.

Legal Owner(s):
C. Warren Price
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Name and telephone number of legal owner, contract purchaser or representative to be contacted
Name
Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of January, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of February, 1985, at 10:30 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE March 1, 1985
BY [Signature]
BALTIMORE COUNTY

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILM

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 4, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #181 (1984-1985)
Property Owner: MacKenzie Properties, Inc.
S/W York Rd. 39.40' S/W from centerline
Greenridge Rd.
Acre: 4.52
District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

This site is being processed as a County Review Group Project, known as York Green, Project No. 84300. Comments prepared for the County Review Group Meeting, dated January 9, 1985, are applicable to this item.

Very truly yours,

[Signature]
JAMES H. WARDLE, P.E., Chief
Bureau of Public Services

JAM:HAM:REC:SS

cc: File

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

February 8, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 181 -ZAC- Meeting of January 2, 1985
Property Owner: MacKenzie Properties, Inc.
Location: SW/S York Road 39.40' S/W from c/l Greenridge Road
Existing Zoning: R.O. (Based on new zoning maps)
Proposed Zoning: Special exception for Class B Office Building

Acre: 4.52
District: 9th

Dear Mr. Jablon:

This site is a C.R.G. item.

[Signature]
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/vcm

2/25
85-231-X

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 22, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Md., Land 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Item No. 181 - Case No. 85-231-X
MacKenzie Properties, Inc.
Special Exception Petition

Dear Mr. Alderman:

Enclosed please find additional comments submitted after my original comments of February 14, 1985.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: George W. Stephens, Jr. & Associates, Inc.
P.O. Box 6828
Towson, Maryland 21204

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

January 7, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: MacKenzie Properties, Inc.

Location: SW/S York Road 39.40' S/W from c/l Greenridge Road
Item No.: 181
Zoning Agenda: Meeting of 1/2/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY [Signature] 1-7-85 Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

PETITION FOR SPECIAL EXCEPTION

9th Election District

LOCATION: Southwest side of York Road, 39.4 feet Southwest of Greenridge Road

DATE AND TIME: Monday, February 25, 1985 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Class "B" office building.

Being the property of MacKenzie Properties, Inc. as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 22nd day of January, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: MacKenzie Properties, Inc. received by [Signature]
Petitioner's Attorney: R. Bruce Alderman, Esquire
Nicholas B. Commodari
Chairman - Zoning Plans Advisory Committee

The Petitioner seeks relief from Section 203.3.B.2, pursuant to Section 502.1, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a R-0 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 have been satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1

having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of March, 1985, that the Petition for Special Exception for a Class B office building in a R-0 Zone be and the same is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The terms and conditions delineated in the Restrictive Covenant Agreement and the Agreement in Consideration of Restrictive Covenants entered into and executed between the Petitioner and the Orchard Hills Community Association, dated November 13, 1984, shall be and are hereby incorporated in the entirety and made part of this Order.
2. If the Petitioner determines that a minor change to the site plans, Petitioner's Exhibits 1 through 4, is needed, no hearing will be necessary to amend said plans. However, notice of the proposed modification must be given to representatives of the Orchard Hills Community Association and the People's Counsel.
3. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

Advised by:
cc: Bruce Alderman, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE March 4, 1985
BY Shirley B. Shaffer

2. The criss-cross-hatched area on the Site Plan designated "Buffer Strip #2" shall be maintained as a 20 foot wide open space. None of the healthy trees presently located within Buffer Strip #2 shall be removed by Owner and his successors and assigns as part of the development of the residential lots. The preservation and maintenance of these trees and any other landscaping within Buffer Strip #2 shall be in accordance with the Landscaping Manual of Baltimore County.

3. The multi-wing office building to be constructed on Parcel A shall be of a colonial Williamsburg or Federal Period architectural design.

4. The maximum gross leasable area of the multi-wing office buildings shall be 50,000 square feet plus additional square footage necessary for non-leasable areas such as lobby areas, stairwells, elevators, equipment rooms, storage areas and the like.

5. The height of the office building constructed on the property shall be as permitted under the R-0 classification and shall not exceed three stories.

6. The exterior finish of the office building shall be a combination of brick, wood and metal.

7. Vehicular means of ingress and egress to Parcel A shall be limited to York Road and shall be generally as shown on the Site Plan.

8. Site lighting shall be limited to residential type fixtures on poles not to exceed 15 feet in height and architectural lighting on the building in conformity with the R-0 zoning regulations.

9. Storm water management facilities shall be designed and constructed in accordance with applicable State and County regulations below the paved and undisturbed surfaces around the building on Parcel A. In no event shall storm water drainage systems be directed through any of the properties located on Lynn Court.

10. Parcel B, which is classified DR 5.5, shall be developed as individual residential building lots, with the final

area, dimensions and number of such lots to be dependent upon County Review Group approval and the recording of a final subdivision plat. Only detached single family homes compatible to the homes presently existing on Malbay Drive, shall be constructed on the individual residential building lots to be developed on Parcel B. Upon taking title to the Property, the Contract Purchaser agrees to discontinue the landscaping and nursery business operation on Parcel B.

11. The Association agrees to support the Contract Purchaser in obtaining, by zoning variance, necessary approval for the construction and installation of such signage as the Contract Purchaser may desire, so long as such signage would be permitted on the Property if the Property was classified for zoning purposes as O-1.

12. The parties hereto recognize that notwithstanding the provisions contained herein, conceptual changes in the Site Plan may be required as a result of the Special Exception Zoning Process, the County Review Group Process, and the issuance of required building and site permits for the development of the Property. To the extent that any minor changes are required by the governmental entities administering any of these processes, the parties hereto agree to such changes notwithstanding the fact that the terms of this Agreement provide otherwise; however, any change which materially changes the Site Plan shall be subject to approval by the Association, which approval shall not be unreasonably withheld. Notwithstanding the provisions of this paragraph 12, the parties hereto understand and agree that no change shall be made to the provisions of this Agreement concerning maximum building height, ingress and egress to Parcel A, square footage of the building, the maintenance and area of Buffer Strips #1 and #2 and the development of Parcel B as individual building lots with detached single family homes.

13. Except to the extent provided for herein, this Agreement shall not in any way restrict the Owner or the Contract Purchaser from otherwise developing the Property in accordance with the provisions of the R-0 zoning classification, as they may be

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT is made and entered into as of this 13th day of November, 1984, by and between C. Warner Price (hereinafter the "Owner"), York Green Limited Partnership, a Maryland limited partnership, as assignee of a Contract of Sale between the Owner and MacKenzie Properties, Inc. (hereinafter the "Contract Purchaser"), parties of the first part; and the Orchard Hills Community Association, Inc., a Maryland Corporation (the "Association"), party of the second part.

WHEREAS, the Owner is the fee simple owner of a tract of land containing approximately 6.5 acres described in a deed recorded in the Land Records of Baltimore County in Liber RJS 1348, folio 286; (the "Property"); and

WHEREAS, pursuant to an Agreement of Sale, the Contract Purchaser, subject to certain contingencies, has agreed to purchase the Property, and thereafter desires to develop a multi-wing office building of colonial Williamsburg or Federal Period architectural design, containing a maximum of 50,000 square feet of gross leasable area to be situated generally in accordance with the Site Plan entitled "York Green," prepared by Lapicki/Smith Associates, P.A., dated October 30, 1984, attached hereto as Exhibit A and incorporated herein (the "Site Plan"); and

WHEREAS, the development of the office building on the Property requires that the zoning on approximately 4.5 acres of the Property as outlined in black on Exhibit A (hereinafter referred to as "Parcel A") be reclassified to R-0; and

WHEREAS, the remaining portion of the Property containing approximately 2.0 acres (hereinafter referred to as "Parcel B") shall remain classified as DR 5.5 and shall be developed as individual residential building lots; and

WHEREAS, the Association has supported the reclassification of Parcel A to R-0 and the development of Parcels A and B generally in accordance with the Site Plan; and

WHEREAS, the Association represents the residents and property owners in the area to be affected by the development of Parcels A and B, and being so affected, entered into this Agreement for the purpose of protecting the property of such owners and residents by limiting the use of the Property; and

WHEREAS, the Owner, Contract Purchaser and the Association desire to place certain restrictions and conditions upon the Property,

amended from time to time.

The Contract Purchaser and Owner hereby agree that these covenants, restrictions and conditions, once recorded among the Land Records of Baltimore County, shall run with and be binding on the Property and shall inure to the benefit of the heirs, successors and assigns of the parties hereto and all persons claiming by or through them or any of them and shall run with the land and be binding upon the Property.

The failure to enforce any of the covenants, restrictions and conditions herein contained, in any instance, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenants, restrictions or conditions in the event of another violation occurring prior or subsequent thereto. Moreover, in the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

This Agreement is subject to the terms, conditions and provisions of an Agreement in Consideration of Restrictive Covenants of even date herewith. This Agreement contains the entire understanding between the parties and may only be amended by the written agreement of the Owner, his heirs, personal representatives or assigns, the Contract Purchaser, or its successors or assigns, and a duly authorized officer of the Association, or its successors or assigns. In the event that the Association shall dissolve and cease to exist for a period of 90 days or more and no successor or assign is duly appointed or designated by the Association, then this Agreement shall thereafter be null and void.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS:

[Signature]
C. Warner Price
C. Warner Price
YORK GREEN LIMITED PARTNERSHIP

ATTEST:

[Signature]
Clark F. MacKenzie
Corporate Secretary

[Signature]
Clark F. MacKenzie
General Partner

subject to the terms of this Agreement; and

WHEREAS, in order to have the restrictions and conditions on the Property in this Agreement binding and in full force and effect upon the Owner, Contract Purchaser and any future owners of the Property, the parties have entered into this Agreement with the intent that the Owner, Contract Purchaser and its successors and assigns will hold, utilize and thereafter convey the Property subject to the covenants, restrictions and conditions herein contained.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That in consideration of the mutual agreements, covenants, restrictions and conditions herein contained, the sum of Five Dollars (\$5.00) paid by each party to the other, and other good and valuable consideration, the receipt of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County, and that subject to the provisions hereof, the covenants, restrictions and conditions shall be binding upon the Property and upon the Contract Purchaser and all future owners thereof and shall inure to the benefit of each of the parties hereto, their successors, heirs, personal representatives and assigns, as follows:

1. The multi-wing office building, the sidewalks and walkways, and parking lot areas to be constructed on Parcel A shall be located generally in accordance with the Site Plan attached hereto as Exhibit A. The cross-hatched area on the Site Plan designated "Buffer Strip #1" shall serve as a 50 foot wide buffer strip between the parking areas on Parcel A and the residential lots to be located on Parcel B. Ownership of Buffer Strip #1 shall not be conveyed to purchasers of the residential lots but shall be retained and maintained by the Owner, or his successors or assigns as part of the proposed office building project on Parcel A. A six foot wooden screening fence shall be erected through the middle of Buffer Strip #1 as shown on the Site Plan. Screening within Buffer Strip #1 on the west side of the fence shall be provided by the planting of five foot evergreen trees every ten feet along the fence. The planting of these trees and any other landscaping within Buffer Strip #1 shall be undertaken in accordance with the Landscaping Manual of Baltimore County.

ATTEST:

[Signature]
Corporate Secretary

ORCHARD HILLS COMMUNITY ASSOCIATION, INC.
[Signature]
Ruth Walker, President

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 13th day of November, 1984, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared Anne P. Russell, as attorney-in-fact for C. Warner Price, her father, and she acknowledged the foregoing Agreement to be her act and the act of C. Warner Price as his attorney-in-fact and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public

My Commission Expires On:

7/1/86

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 13th day of November, 1984, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared Clark F. MacKenzie, general partner of York Green Limited Partnership, and he acknowledged the foregoing Agreement to be his act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public

My Commission Expires On:

7/1/86

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 13th day of November, 1984, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared Ruth Walker, president of the Orchard Hills Community Association, Inc., and she acknowledged the foregoing Agreement to be her act and in my presence signed and sealed the same.

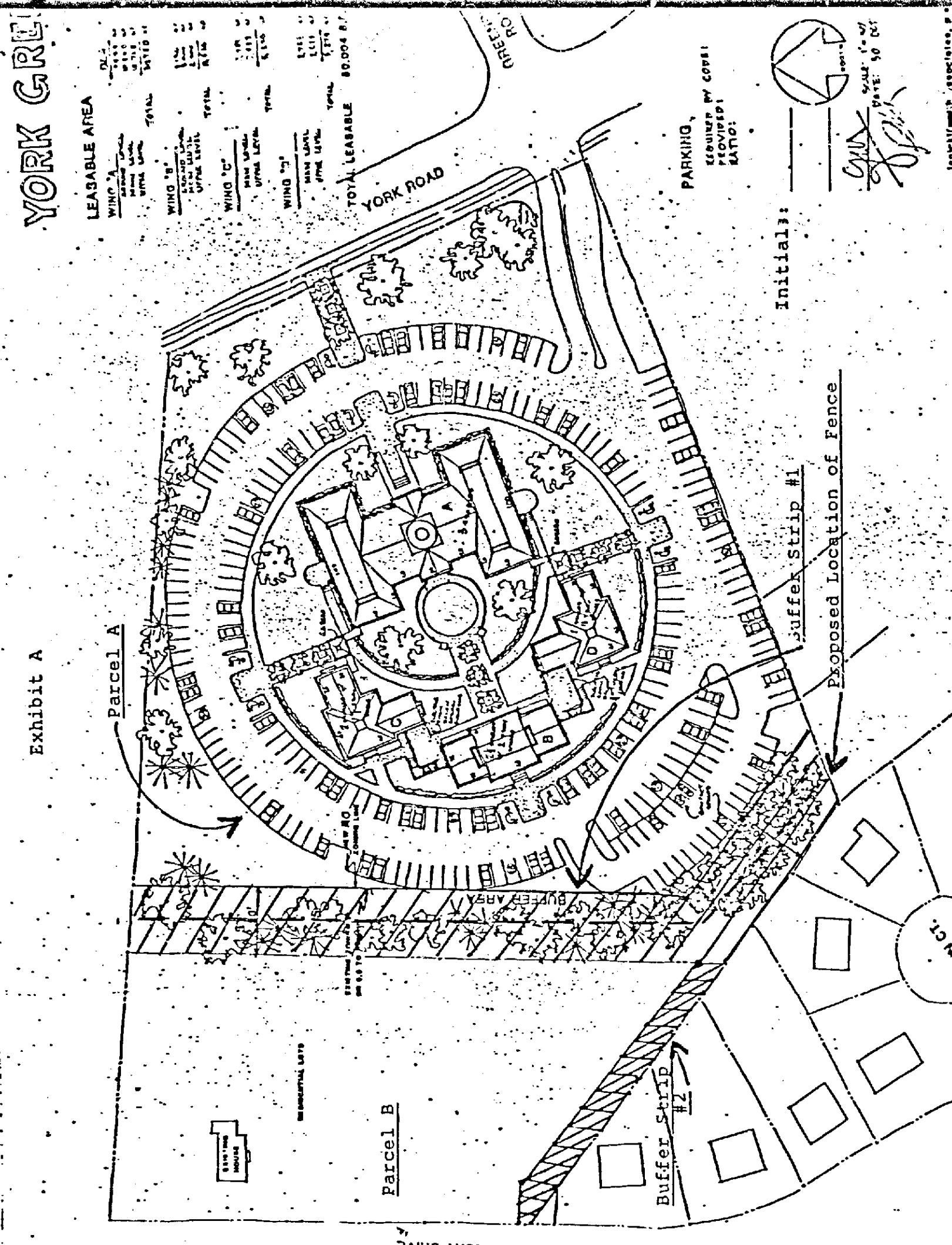
AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public

My Commission Expires On:

7/1/86

UNDA S. SHAFER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986



AGREEMENT IN CONSIDERATION OF RESTRICTIVE COVENANTS

THIS AGREEMENT, is made and entered into as of this 13th day of November, 1984, by and between C. Warner Price ("Owner"), York Green Limited Partnership, a Maryland limited partnership and by assignment, contract purchaser of the Property (the "Partnership") and the Orchard Hills Community Association, Inc., a Maryland Corporation (the "Association").

EXPLANATORY STATEMENT

The Partnership, pursuant to an assignment of an Agreement of Sale, has agreed to purchase from the Owner a tract of land containing approximately 6.5 acres of land as shown on a Site Plan attached as Exhibit A to a Restrictive Covenant Agreement of even date herewith (the "Property"). A copy of the Restrictive Covenant Agreement and the Site Plan are attached hereto and incorporated herein. The Partnership intends to develop on .5 acres of the Property ("Parcel A"), a multi-wing office building of colonial Williamsburg or Federal Period architectural design, containing approximately 50,000 square feet of gross leasable area as well as various individual residential building lots on the remaining 2.0 acres of the Property (the "Development Plan"). The Association, representing property owners in the immediate neighborhood, concurs with the Development Plan. In order to implement the Development Plan and provide protection to the Association and the residents in the immediate neighborhood, the parties hereto have contemporaneously herewith entered into the Restrictive Covenant Agreement which restricts the development of the Property in general accordance with the Development Plan.

The purpose of this Agreement is to set forth the understandings and agreements among the parties concerning the recording of the Restrictive Covenant Agreement in the Land Records of Baltimore County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties hereto, intending to be legally bound, hereby agree as follows:

- Escrow of Restrictive Covenant Agreement.** The Restrictive Covenant Agreement executed by the parties hereto shall be held in escrow by R. Bruce Alderman, Esquire, as escrow agent, until such time as the last of the following events shall have occurred:
 - The Baltimore County Council has, by final legislative enactment, changed the zoning classification on Parcel A of the

Property to R-0.

- The Partnership has obtained from the appropriate authorities of Baltimore County approval of its Petition for Special Exception allowing for the construction of the multi-wing office building on Parcel A in accordance with the Development Plan and the time for the appeal of that approval has expired, resulting in "final approval" of the Petition.

- The Development Plan has been approved by the County Review Group in accordance with the Development Regulations of Baltimore County and the time for the appeal of that approval has expired, resulting in "final approval" of the Development Plan. Within five (5) days after the last of the foregoing events has occurred, the escrow agent shall record the Restrictive Covenant Agreement in the Land Records of Baltimore County. The cost of recording the Agreement shall be paid for by the Partnership. In the event that any one of the foregoing events does not occur, then in that event, the escrow agent is hereby instructed to cause the Restrictive Covenant Agreement, in its executed form, to be returned to the joint custody of the Partnership and the Owner, it being understood and agreed that the Restrictive Covenant Agreement shall thereafter be null and void and have no further legal force or effect.

- Undertakings of the Partnership.** Subsequent to the reclassification of Parcel A of the Property to R-0, the Partnership shall file a Petition for Special Exception with the appropriate authorities seeking zoning approval for the implementation of the Development Plan and simultaneously file for approval of the Development Plan through the County Review Group process.

- Undertakings of the Association.** The Association agrees to support the Development Plan of the Partnership as follows:

- Visibly and actively support the reclassification of Parcel A of the Property to R-0. To this effect, the president of the Association agrees to communicate in writing with the members of the Baltimore County Council and the County Review Group concerning the Association's support and approval of the Development Plan and

the rezoning of Parcel A of the Property to R-0.

- Visibly and actively support in writing or by testimony, as requested by the Partnership, the Petition for Special Exception filed by the Partnership with the appropriate zoning authorities of Baltimore County.

- Not to protest, challenge or appeal any approval obtained by the Partnership of its Petition for Special Exception or the Development Plan through the County Review Group Process or otherwise obtained from Baltimore County or the State of Maryland for any permit, approval or public works agreement necessary for the development of the Property in accordance with the Development Plan except as to any material changes in the Development Plan as reasonably determined by the Association.

- Persons Bound.** This Agreement shall be binding upon the respective heirs, administrators, personal representatives, successors and assigns of the parties hereto.

- Governing Law.** This Agreement is to be construed and interpreted in accordance with the laws of the State of Maryland.

- Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto and may not be modified, amended or otherwise changed except by a written instrument duly signed by all the parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

WITNESS:

ATTEST:
[Signature]

ATTEST:
[Signature]

[Signature]
C. Warner Price, Esquire
YORK GREEN LIMITED PARTNERSHIP
BY: *[Signature]* (SEAL)
Clark F. Mackenzie
General Partner
ORCHARD HILLS COMMUNITY ASSOCIATION, INC.
BY: *[Signature]* (SEAL)
Ruth Walker, President

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

85-231-X

District: 2nd Date of Posting: 2-5-85
Posted for: Special Exception
Petitioner: *[Signature]*
Location of property: SW/4 of York Rd., 39.4' SW of Kennedy Rd.
Location of Sign: 1 sign SW/4 of York Rd. approx 25' SW of Kennedy Rd. and 1 sign East side of Mailing Drive opposite Mailing Court.
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 2-15-85
Number of Signs: 2

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, MD 21204

NOTICE OF HEARING

RE: Petition for Special Exception
SW/4 of York Rd., 39.4 feet SW
of Greenridge Road
Mackenzie Properties, Inc. - Petitioner
Case No. 85-231-X

TIME: 10:30 a.m.
DATE: Monday, February 25, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 7, 1985
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 7, 1985.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising
20.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333
ARNOLD JABLON
ZONING COMMISSIONER

February 21, 1985

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
SW/4 of York Rd., 39.4' SW of
Greenridge Road
Mackenzie Properties, Inc.-Petitioner
Case No. 85-231-X

Dear Mr. Alderman:

This is to advise you that \$54.91 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

CERTIFICATE OF PUBLICATION

85-231-X

Towson, Md. 2/13/1985
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 12th day of Feb. 1985.

The TOWSON TIMES
[Signature]
Cost of Advertisement: \$24.91

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 003113

DATE: 12/21/84 ACCOUNT: R-01-615-100

AMOUNT: \$100.00

RECEIVED: *[Signature]*

FOR: *[Signature]*

DATE: 12/21/84

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005307

DATE: 3/1/85 ACCOUNT: R-01-615-100

AMOUNT: \$54.91

RECEIVED: R. Bruce Alderman, Esquire

FOR: Mackenzie Properties, Inc.

DATE: 3/1/85

VALIDATION OR SIGNATURE OF CASHIER

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 4422, TOWSON, MARYLAND 21204

Description to Accompany Zoning Plat
for Special Exception for a Class "B"
Office Building in an Existing R-O Zone

December 11, 1984

Beginning for the same at a point on the southwest side of York Road
(variable width), said point being measured South 45° 40' 06" West 39.40 feet from
the center line intersection of York Road and Greenridge Road, thence leaving York
Road, running the four following lines: (1) South 72° 06' 13" West 446.37 feet,
(2) North 51° 49' 37" West 150.05 feet, (3) North 3° 38' 40" East 409.76 feet and
(4) South 82° 50' 10" East 395.26 feet to intersect the southwest side of York Road,
thence binding thereon (5) South 21° 33' 17" East 338.91 feet to the place of be-
ginning.

Containing 4.52 Acres of Land More or Less.

Mr. Arnold Jablon
February 22, 1985
Page 2

We believe that the findings of the CRG have established that
our Plan for development meets the various tests of the County
regulations as they relate to the adequacy of facilities,
environmental considerations, compatibility with the surrounding
neighborhood and such other matters that must be taken into
consideration as part of a CRG hearing or a Special Exception
hearing. Of particular note, we believe, is the fact that the
property has access to York Road through a signalized traffic
intersection which essentially eliminates the possibility that this
development will result in traffic safety or traffic congestion
problems.

The potential development of this property has been an ongoing
concern of the neighborhood for a number of years and we are pleased
to have been able to satisfy their concerns this past Fall during
the Comprehensive Zoning Maps process. Our accord with the
association is evidenced in the aforementioned restrictive covenants
and representatives of the association are present today to affirm
our understanding.

We have our staff of professionals here today to answer any
questions which may arise. We believe that our development proposal
offers an excellent opportunity to provide a quality development on
this tract of land.

Sincerely,

Gary T. Gill
Gary T. Gill

GTG:jf

Enclosures

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southwest side of York Road, 39.4 feet Southwest
of Greenridge Road

DATE AND TIME: Monday, February 25, 1985 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Class "B" office building.

being the property of MacKenzie Properties, Inc. as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-
tain any request for a stay of the issuance of said permit during this period for
good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITIONER'S
EXHIBIT 5



Real Estate Development/Leasing & Management



February 22, 1985

Gary T. Gill
Executive Vice President

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Bldg.
111 W. Chesapeake Avenue
Towson, MD 21204

RE: York Green - C.W. Price Property
Special Exception Hearing for Class "B" Office Building

Dear Mr. Jablon,

We are before you today to petition for a Special Exception to
construct a Class "B" office building in an R-O zone. In
association with that petition, we wish to highlight herein certain
facts about the project. In the way of supporting data, you will
also find enclosed a property fact sheet, restrictive covenants
executed with the community association, photographs of the property
and the project rendering.

The York Green project, which consists of approximately 50,000
square feet of gross leasable, general office space, will be
developed by the York Green Limited Partnership of which Clark F.
MacKenzie is the sole general partner. We have the property under a
contract of sale which was executed with the Price family in May,
1984. Subsequent to that, we submitted for rezoning under the 1984
Comprehensive Map process and obtained R-O zoning on the front 4.5
acres with DR 5.5 zoning retained on the rear portion of the
property. On January 10, 1985, we obtained CRG approval of the Plan,
which will be presented as an exhibit for this hearing.

Our development proposal calls for the construction of a
moderate density, low profile general office building of
Williamsburg/Federal Period architecture which will be highly
compatible with the existing residential community. Residential use
will be retained on the rear portion of the property and landscaped
buffer areas are being provided over and above County requirements.
These limitations, as well as other limitations on site lighting,
vehicle access points, building materials, etc., are documented in
the restrictive covenants which have been executed with the Orchard
Hills Community Association.

REAL ESTATE DEVELOPMENT / LEASING & MANAGEMENT

2324 West Joppa Road
Suite 500
Lutherville, Maryland 21093
(301) 831-6360

YORK GREEN

1/9/84

PROJECT SUMMARY

I. SITE

Postal Address: 1310 York Road
Lutherville, MD 21093

Assessment Number: 09-16-750520

Deed Reference: 1348/286

Election District: 9

Councilmanic District: 4

Land Area: R-O: 4.5 acres+
DR5.5: 2.5 acres+

Road Frontage: 340'±

Site Dimensions: 340'± x 510'± - R-O portion

Parking Provided: 254 spaces - 5.08 spaces/1000 sq. ft. of
(office portion) gross leasable area

Metropolitan Utilities Service:

Sanitary Sewer: 8" in Ortonridge Road, and 8" in Malbay
Drive

Metropolitan Water: 10" and 30" in York Road, and 8" in
Malbay Drive

Storm Water Management - Underground Storage

II. BUILDING

Stories:

Wing A: 3
Wing B: 2 1/2
Wings C & D: 2

Height:

Wing A: 35')
Wing B: 31') Average heights
Wing C: 25') for each wing
Wing D: 27')

YORK GREEN
Project Summary

2

Gross Leasable Area:

Wing A: 30,920 sq. ft.
Wing B: 8,536 sq. ft.
Wing C: 5,274 sq. ft.
Wing D: 5,274 sq. ft.

TOTAL SITE: 50,004 sq. ft.

Gross Leasable Area by Floor:

Wing A: 1st floor: 9,884 sq. ft.
2nd floor: 10,268 sq. ft.
3rd floor: 10,768 sq. ft.

Wing B: 1st floor: 3,136 sq. ft.
2nd floor: 3,000 sq. ft.
3rd floor: 2,400 sq. ft.

Wing C: 1st floor: 2,752 sq. ft.
2nd floor: 2,522 sq. ft.

Wing D: 1st floor: 2,752 sq. ft.
2nd floor: 2,522 sq. ft.

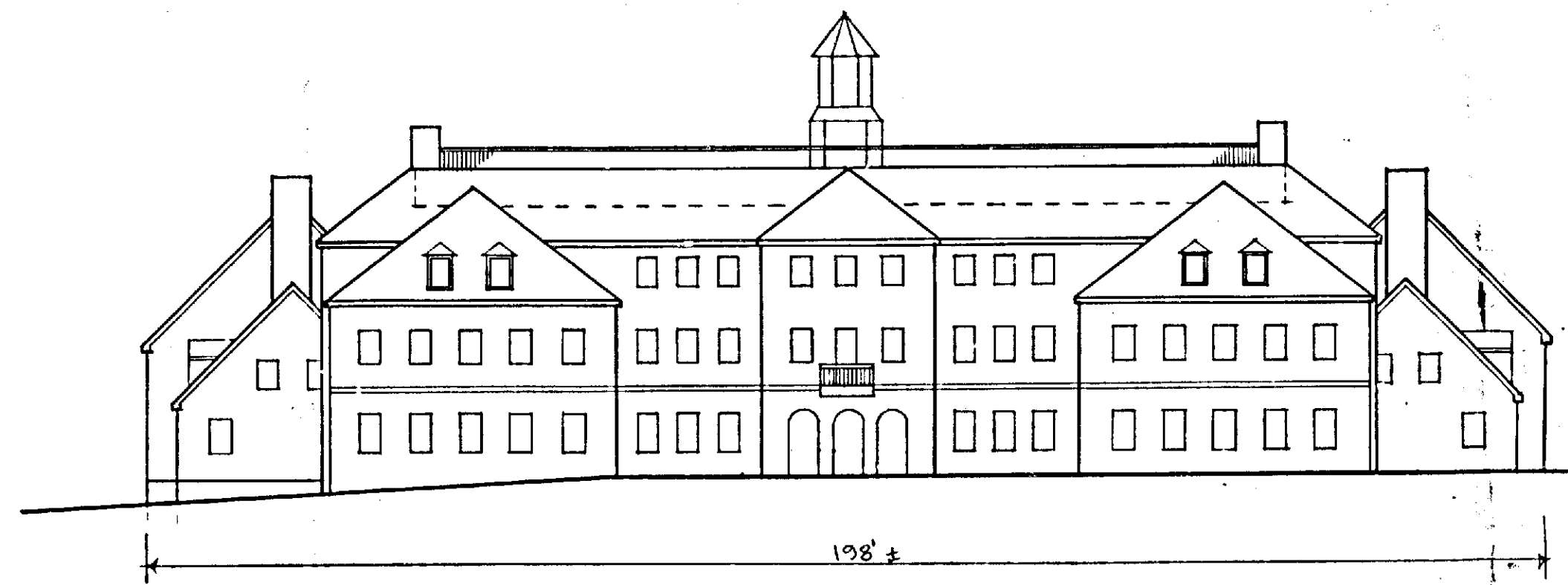
Miscellaneous Building Information:

The Federal style building consists of four wings joined by
canopies. Each wing will be of brick construction with the
smaller wings having wood siding as an accent material. All
four wings will have operable windows in wood window frames and
will be served by a water source heat pump, heating and air
conditioning system.

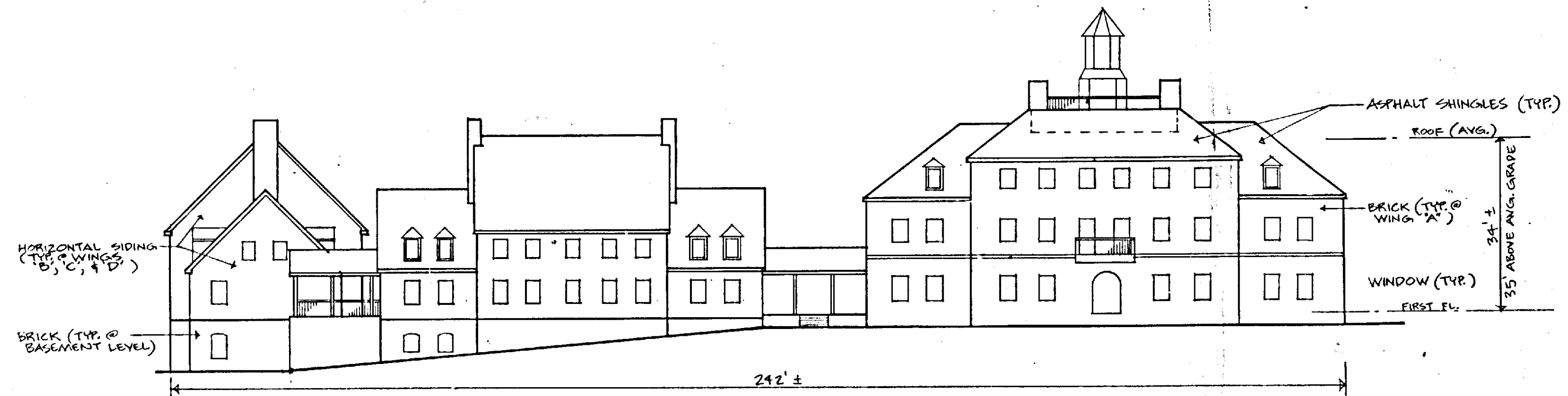
III. Residential Lots: 6 Residential lots are proposed on the DR5.5
portion along Malbay Drive



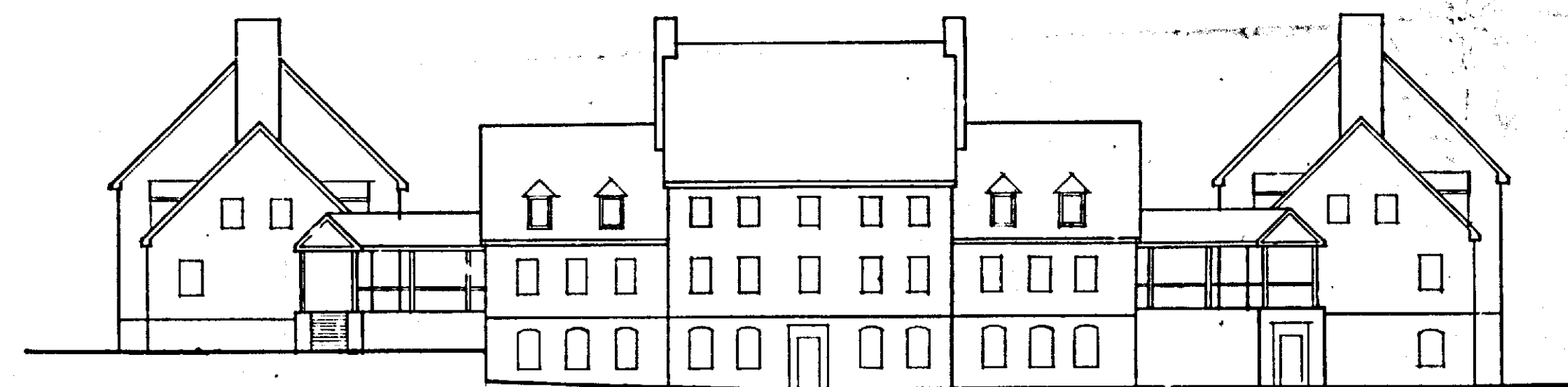
AUG 14 1985



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



BUILDING SECTION

NOTE: BUILDING DESIGN IS PRELIMINARY IN NATURE & WILL BE ADJUSTED DURING FINAL DESIGN PHASES.

c. warner price
property owner

I/sa
lapicki/smith associates, p.a.

baltimore, maryland
21201
(301) 685-4900

I/sa project number 84.12

mackenzie & associates, inc.
developer / applicant

CRG PLAN FOR
YORK GREEN

drawing title
ELEVATIONS

scale: 1/16" = 1'-0"
date 1/4/85
drawing number 4 of 4

PETITIONER'S
EXHIBIT 4



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Baltimore, Maryland 21204

November 12, 1997

John C. Wetzel, Esquire
Niles, Barton & Wilmer
1400 Legg Mason Tower
111 S. Calvert Street
Baltimore, MD 21202-6185

RE: Zoning Verification
1300 York Road
9th Election District

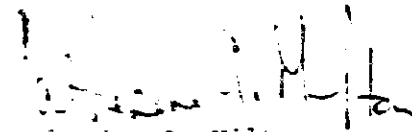
Dear Mr. Wetzel:

Your letter dated October 27, 1997 has been referred to me for reply. The above referenced property is also identified by three tax identification numbers 190004626, 20-00-001731, and 20-00-001732. This property currently has the zoning of R.O. and D.R.-5.5. I have enclosed for your reference a portion of the Baltimore County zoning map and have outlined the approximate location of the property lines.

This property was subject in zoning case 85-231-X. This case was the special exception which allowed this office building to be built in an R.O. zone. I have included the case file for your reference, the site must have been built in accordance with this site plan to be in compliance with the Baltimore County Zoning Regulations. I have checked with the enforcement section of this department and they have indicated to me that there are no active zoning citations on this property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

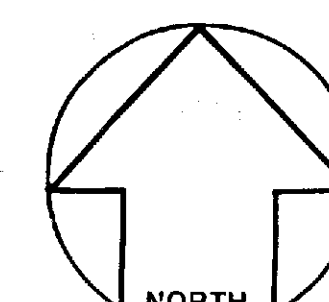
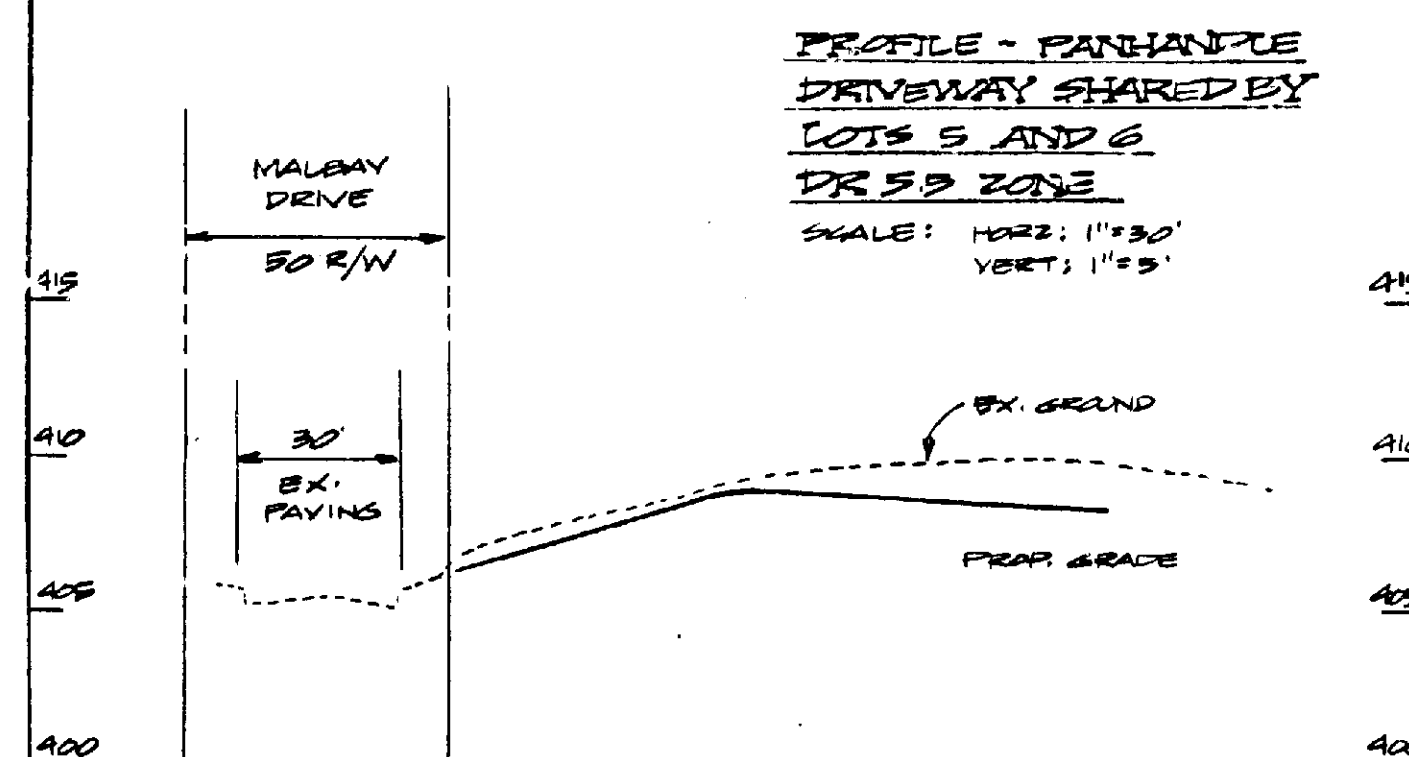
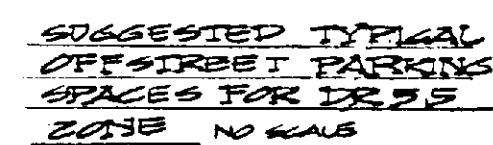

Catherine A. Milton
Planner II
Zoning Review

CAM:rye

c: zoning case 85-231-X

Enclosure





2 Yr. Storage Required = 7,090 C.F.
10 Yr. Storage Required = 26,800 C.F.
Required Volume of Storage for Infiltration From 1" Rainfall = 710 C.F.
TOTAL VOLUME PROVIDED = 26,800 C.F.
STORAGE WILL BE PROVIDED IN UNDERGROUND STONE (82 STONE, VOID = 40%)
VOLUME OF STONE REQUIRED = 26,800/0.40
= 67,000 C.F.

date

drawing number
0-154

MALBAY DRIVE

YORK ROAD

GREENRIDGE ROAD

DR 5.5 ZONE

RO ZONE

Wing B

Wing A

Wing D

Wing C

20' BUFFER
EXISTING VEGETATION
TO BE RETAINED

PROPOSED DUMPSTER
SCREENED W/ 5' HIGH
DENSE ARBORVITAE

6' HIGH
WOODEN
FENCE

LANDSCAPING NOTE:
TOTAL PROPERTY
PERMANENTLY SET ASH (SHRUB)
TO BE TO THE

MINIMUM REQUIRED PLANTING

RO ZONE

Trees:
Parking - 256 Spaces @ 1 Tree/12 Spaces = 22
Interior Road - 171 Ft. @ 1 Tree/20' = 9
Exterior Road - 339 Ft. @ 1 Tree/40' = 9
Total (30 Min. Major Deciduous)

Screening and Other Planting:
8' wide planting areas along property
lines abutting residential zones or uses,
or public streets.

5' high screen between parking lots and
adjacent residential zones or uses, or
public streets.

5' high screen around dumpsters

DR 5.5 ZONE

6 dwelling units @ 1 Tree/Unit = 6 Trees

PLANTING KEY

MAJOR DECIDUOUS TREES

34 SHOWN

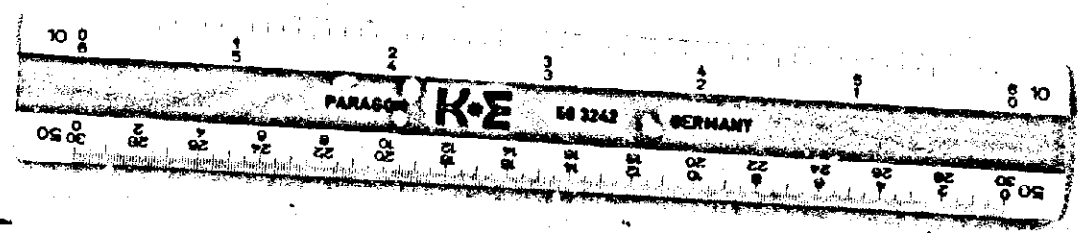
EVERGREEN TREES (STAGGERED-EFFECTIVE SPACING 6" O.C.)

80 SHOWN

MINOR DECIDUOUS TREES

4 SHOWN

SCREENING SHRUB MASSES (EVERGREEN OR TWIGGY DECIDUOUS SHRUBS) STAGGERED-EFFECTIVE SPACING 3" O.C.



NOTES:

- Once accurately located, existing vegetation will be used to supplement and/or taken as credit for landscape manual requirements.
- Existing trees include:
 - Hemlock
 - American Holly
 - Magnolia
 - Locust
 - Beech
 - Cryptomeria
 - Maple
 - Sweet Gum
- Buffer Areas-Existing vegetation to be retained and supplemented as necessary for effective screen.

william f. kirwin, inc.

landscaping consultant
28 east susquehanna avenue
suite 2
towsen, maryland 21204
301-337-0076

george w. stephens, jr.
& associates, inc.

civil engineer
p.o. box 6828
towsen, maryland 21204
301-825-8120

c. warner price
property owner

I/sa

lapicki/smith associates, p.a.

baltimore, maryland
21201
(301) 685-4900

I/sa project number 84.12

mackenzie & associates, inc.

developer/applciant
2324 w. joppa road, suite 530
lutherville, maryland 21093
301-821-8585

CRG PLAN FOR
YORK GREEN

drawing title

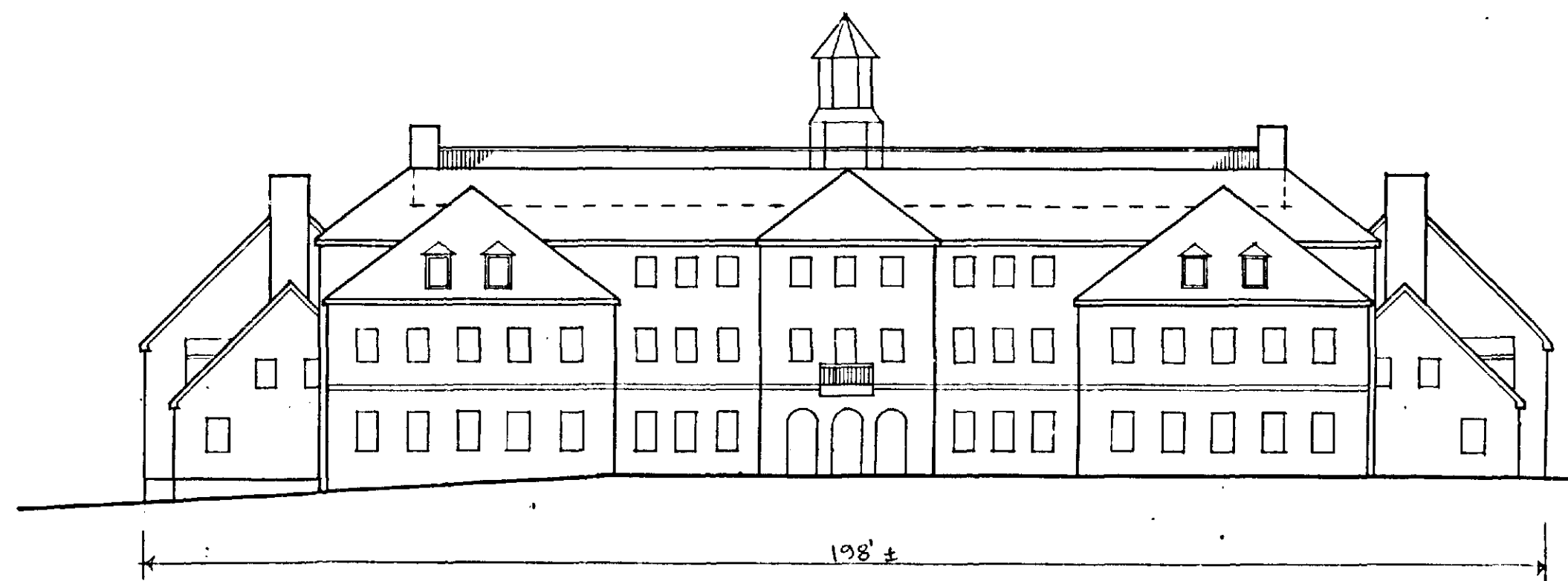
LANDSCAPE PLAN

scale: 1"=30'

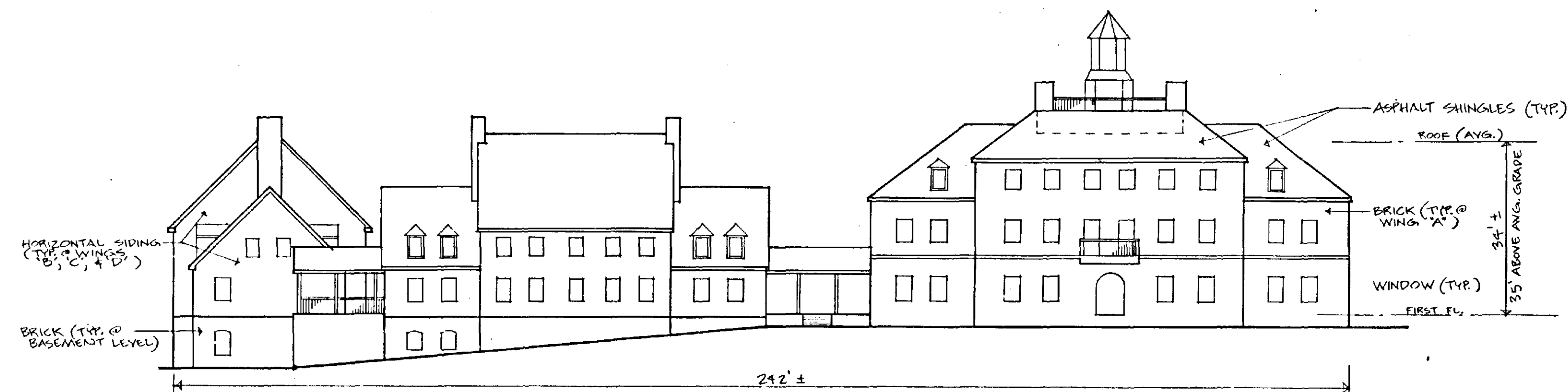
date
12/7/84
REV 1/6/85

drawing number
3 of 4

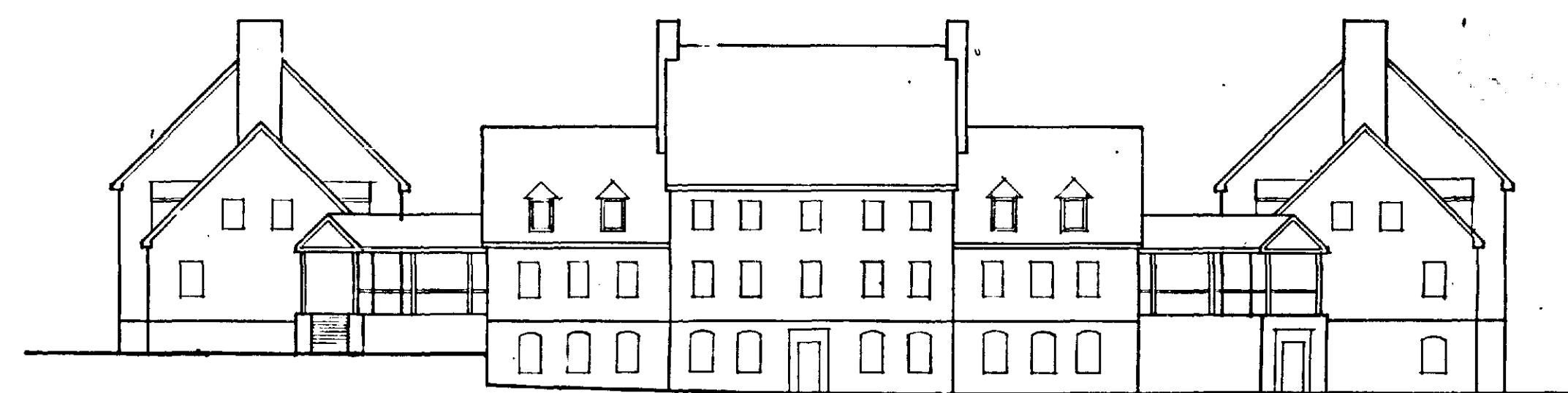
1-2	1-2
A-1	A-1
T-2	T-2
T-1	T-1
L-1	L-1



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



BUILDING SECTION

NOTE: BUILDING DESIGN IS PRELIMINARY IN NATURE & WILL BE ADJUSTED DURING FINAL DESIGN PHASES.

c. warner price
property owner

I/sa
lapicki/smith associates, p.a.

baltimore, maryland
21201
(301) 685-4900

I/sa project number 84.12

mackenzie & associates, inc.
developer / applicant

CRG PLAN FOR
YORK GREEN

drawing title

ELEVATIONS

scales: 1/16" = 1'-0"

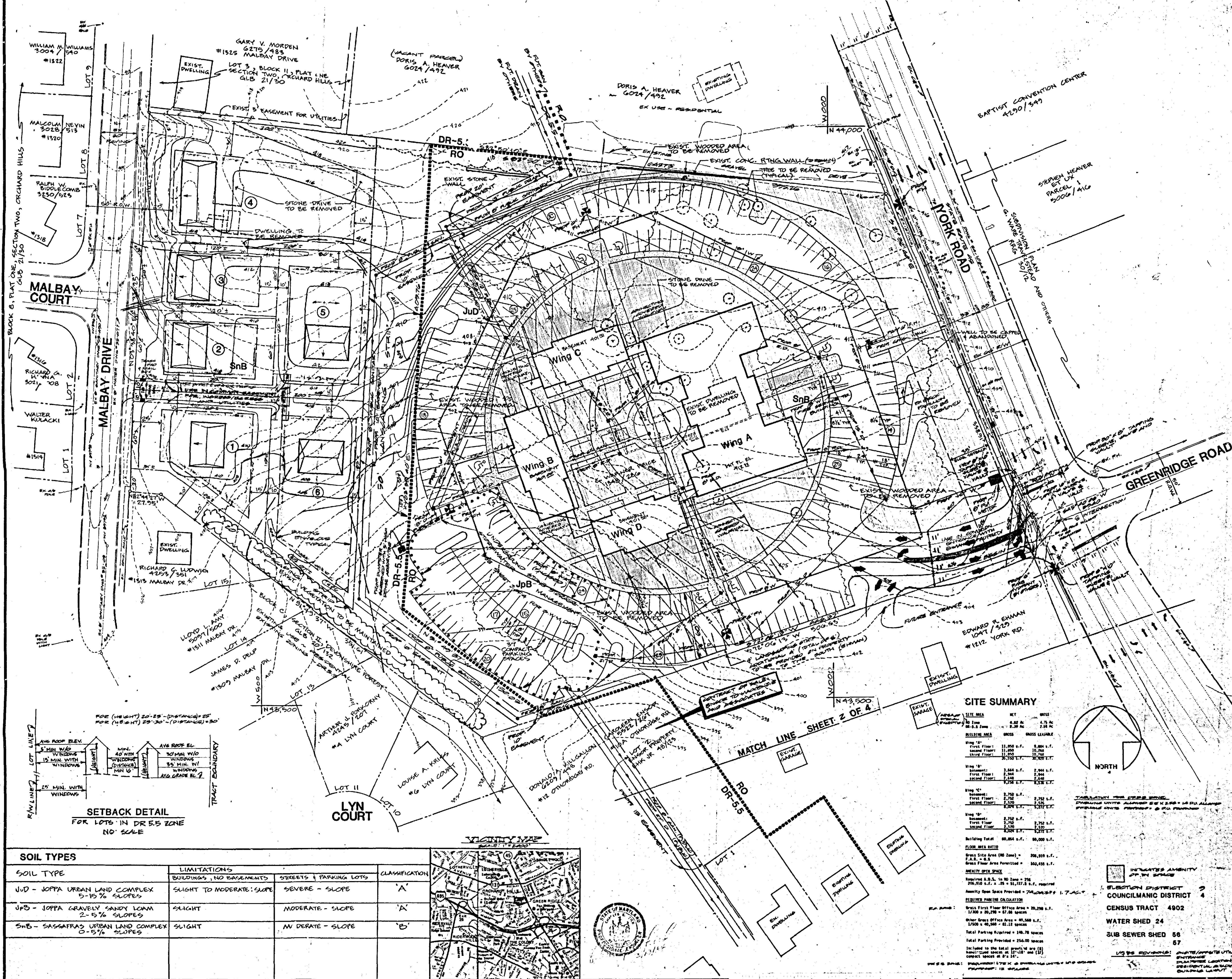
date

REV 1/4/85

12/7/84

drawing number

4 of 4



GENERAL NOTES

1. Building designs as shown are preliminary to actual construction and will be subject to final design and construction.
2. All floor area ratios indicated in the table are based on the 40,000 sq. ft. lot area.
3. Only site area which is zoned R-40 has been counted as allowable open space for the Class B office building.
4. All parking spaces are to be in accordance with the parking regulations, i.e., one (1) space per 100 sq. ft. of gross floor area.
5. The estimated maximum number of employees is 500.
6. The anticipated hours of operation for office use are 9:00 AM Monday through Friday and 9:00 AM - 5:00 PM Saturday.
7. Handicapped parking spaces are indicated on the plan (see 30' x 60' area) and will be addressed in detail when individual building site plan is submitted.
8. All parking area lighting fixtures in the vicinity of adjacent residential property will be arranged to reflect light away from the residential area and to not impede traffic flow by glare. Height of proposed lighting is approximately 18 feet.
9. The subject site has utility service available via Water, Sewer, Gas, and Electric.
10. On this site there are no wetlands, no critical areas, no archaeological sites, no endangered species, no historic structures, and no historic buildings.
11. On this site there are no significant geological formations or other unusual natural features.
12. On this site there are no existing streams, springs, or flood plains.
13. The estimated average daily trips (ADT) generated by this office development is 200.
14. Proposed grading is preliminary to nature and subject to adjustment.
15. There are no proposed loading facilities.
16. Proposed landscaping is indicated on drawing 3 of 4.
17. Building character is to be "Colonial Williamsburg" or "Federal Period" style. Preliminary building elevations and materials are indicated on drawing 4 of 4.
18. PROPOSED USE - CLASS B OFFICE BUILDING.
19. EXISTING USE - RESIDENTIAL.
20. ANY EXISTING WELLS SHOWN TO BE ABANDONED.

- GENERAL NOTES FOR DR-5.5 ZONE
1. Nature of open space requirements to be applied for.
 2. Building envelopes and building shown in the DR-5.5 zone are subject to only one (1) set of design restrictions.
 3. 20' x 60' and 30' x 60' lot areas shall be maintained by the owner.
 4. The lot area of the subject site is 40,000 sq. ft.
 5. ALL LOTS ARE "FOR SALE".
 6. THE ENTIRE SUBJECT TRACT IS IN RESIDENTIAL ZONING.
 7. ADT CANT. FOR RESIDENTIAL DEVELOPMENT 1,000.
 8. THERE WILL BE A MAINTENANCE AGREEMENT FOR THE FUTURE DRIVE SHARED BY LOTS 1 & 2.

george w. stephens, jr.
& associates, inc.
civil engineer
p.o. box 6828
townson, maryland 21204
301-825-8120

c. warner price
property owner
1910 YORK ROAD
LUTHERVILLE, MARYLAND
21103 PHONE 827-8277
FAX 827-735220
DEED REFERENCE 1848/200

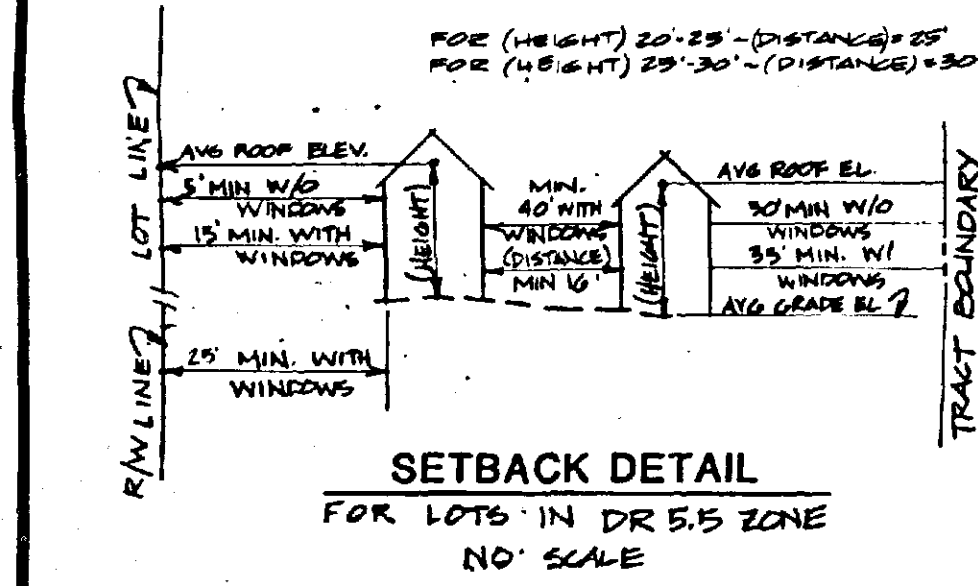
I/sa
lapicki/smith associates, p.c.
baltimore, maryland
21201
(301) 686-4900

I/sa project number 84.12/05035
JAN 21 1995

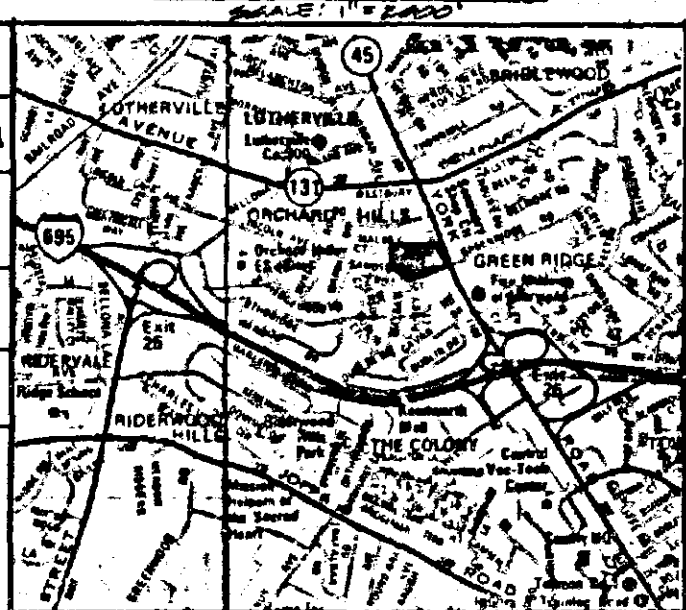
mackenzie & associates, inc.
developer applicant
2324 W. Joppa Road, Suite 530
Lutherville, Maryland 21093
301-821-8585

CRG PLAN AND PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION FOR A CLASS "B" OFFICE BUILDING IN AN EXISTING R-40 ZONE.

"YORK GREEN"
drawing title
SITE PLAN
scale 1" = 30'
date 12/7/94
drawing 1/9/95

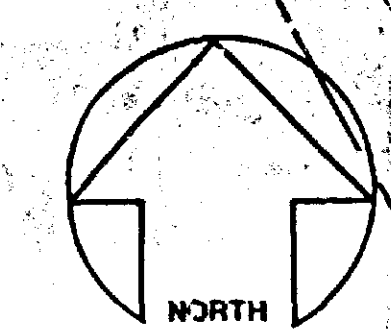


SOIL TYPES			
SOIL TYPE	LIMITATIONS		CLASSIFICATION
JUD - JOFFA URBAN LAND COMPLEX 5-15% SLOPES	BUILDINGS: NO BASEMENTS	STREETS & PARKING LOTS SEVERE - SLOPE	'A'
JPS - JOFFA GRAVELLY SANDY LOAM 2-5% SLOPES	SLIGHT	MODERATE - SLOPE	'A'
SNS - SASSAFRAS URBAN LAND COMPLEX 0-5% SLOPES	SLIGHT	MODERATE - SLOPE	'B'



SITE SUMMARY

SITE AREA		NET	GROSS
Lot Area	40,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Building Area	11,000 sq. ft.	11,000 sq. ft.	11,000 sq. ft.
First Floor	11,000 sq. ft.	11,000 sq. ft.	11,000 sq. ft.
Second Floor	11,000 sq. ft.	11,000 sq. ft.	11,000 sq. ft.
Third Floor	11,000 sq. ft.	11,000 sq. ft.	11,000 sq. ft.
Fourth Floor	11,000 sq. ft.	11,000 sq. ft.	11,000 sq. ft.
Building Total	44,000 sq. ft.	44,000 sq. ft.	44,000 sq. ft.
FLOOR AREA RATIO			
Gross Site Area (40 Zone)	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Required A.S.U. in 40 Zone	200,000 sq. ft.	200,000 sq. ft.	200,000 sq. ft.
Actual Gross Floor Area	44,000 sq. ft.	44,000 sq. ft.	44,000 sq. ft.
PERMITTED PARKING CALCULATION			
Required First Floor Office Space	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Other Gross Office Area	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Other Gross Office Area	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Total Parking Required	140,000 spaces	140,000 spaces	140,000 spaces
Total Parking Provided	250,000 spaces	250,000 spaces	250,000 spaces
Included in the total parking are (B) handicapped spaces at 1:100 and (C) compact spaces at 8:100.			



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: MacKenzie Properties, Inc.
No. 84-231-X

Date: February 8, 1985

The plan was approved by the County Review Group on January 10, 1985

Norman E. Gerber, J. Howell
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGR/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 14, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 181 - Case No. 85-231-X
Petitioner - MacKenzie Properties, Inc.
Special Exception Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, Inc.

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:aj

Enclosures

cc: George W. Stephens, Jr. & Associates, Inc.
P. O. Box 6828
Towson, Maryland 21204

YORK GREEN

-2-

January 10, 1985

A sanitary sewer study is required by the Developers Engineering Division for provision of public sewer service to properties to the north of this development. The Storm Water Management Section requests a storm drain study for the existing 27-inch drain for the storm water management outfall. The Office of Planning agrees with Traffic Engineering for the use-in-common access to serve this property and the property to the south. Access easements must be recorded for this entrance. A special exception for a Class B office building and approval of this plan is contingent upon the outcome of this hearing. The guard house is not permitted in an RO zone. The plan was approved by the Dept. of Public Works and the Office of Planning. The meeting adjourned at 11:00 a.m.

COUNTY REVIEW GROUP MEETING MINUTES

Thursday, January 10, 1985

YORK GREEN
District 9 C4

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert Benson, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Planning

Agency Representatives

Kenneth Arnheim - Bureau of Sanitation
Bob Covahay - Developers Engineering Division
Stephanie Taylor - Health Dept.
Judith Platt - Health Dept.
George Wittman - State Highway Administration
Larry Pilson - Health Dept.
Bebe Kernan - Economic Development
Greg Jones - Traffic Engineering

Developer and/or Representatives

E. Guy Stanton - Street Traffic Studies, Ltd.
Joseph Warfield - Mackenzie & Associates
Bob Aumiller - Mackenzie & Associates
Carolene Ensor - Property Owner
Brian A. Eflinger - Mackenzie & Associates
Donald D. Smith - Tapicki/Smith Associates
*Interested Citizens - Mike Ruby, Towson Times
Ruth Walker, President, Orchard Hills Comm. Association
Charles Stanton, Orchard Hills Community Assoc.

The meeting was opened at 10:00 a.m. by Mr. Benson, Chairman of the County Review Group. Mr. Benson introduced the staff and explained the purpose of the meeting.

Mr. Charles Pick from G. W. Stephens, Jr. & Associates, the developer's engineer, presented the plan. They propose to develop this site into an office building and some residential lots. The property is zoned RO and DR 5.5. Access for the residential lots is from Malbay Drive and access to the office building will be from York Road. A waiver for open space will be requested for the residential lots. Public utilities will be made available by extensions.

Mr. Smith, the developer's architect, proposes a parking ring around the building as shown on the plan. The height is a maximum of 35 feet. Amenity open space would exceed the requirements.

Mr. Bober summarized the written staff comments submitted from Fire Prevention, Health Dept., Planning, Zoning, Developers Engineering Division, State Highway Administration, Board of Education, and the Storm Water Management Section. These comments have been made a part of these minutes, and a copy has also been given to the developer and his engineer.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

DATE: January 9, 1985

PROJECT NAME: York Green
PROJECT NUMBER: #84300
LOCATION: 1511 York Road, W/S of
York Road opp. Greenridge Road
DISTRICT: 9C4

The Plan for the subject site, dated December 7, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The Developer is responsible for the full cost of all highway and storm drain construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The State Health Department Construction Permits for each private utility (water, sanitary sewer and storm drains) totaling over 400 feet in length will be obtained through the Baltimore County Department of Public Works.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Project #84300
York Green
Page 2
January 9, 1985

GENERAL COMMENTS: (Cont'd)

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat or the approval of any building permit.

The Plan is satisfactory pending conformance with the following comments.

HIGHWAY COMMENTS:

The proposed entrance onto York Road must be designed in a manner which is acceptable to both the Baltimore County Department of Traffic Engineering and the State Highway Administration.

Malbay Drive is an existing road improved with a concrete curb and gutter cross-section.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail 15A), with depressed curb and 7-inch concrete aprons within the right-of-way.

Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. E. Brown, 494-3321.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards. The sidewalk should be aligned to connect to the existing sidewalk on the southern end of the project.

The Developer shall be fully responsible for the cost of relocation of any utilities or poles as required by the development of this property.

Ramps shall be provided for physically handicapped persons at all street intersections.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 10 feet in width per lot where two or more lots are involved. If both water and sanitary sewer service are to be provided within the panhandles, the minimum panhandle width for two or more lots is 12 feet per lot. The Developer shall be required to provide a paved panhandle drive where more than one lot is to be served prior to occupancy.

Covenants must be recorded prior to, or along with the recording of the plat, establishing a cross easement over the panhandles for access over and maintenance of the common panhandle driveway; and for installation and maintenance of the private water and/or sewer connections where applicable.

Project #84300
York Green
Page 3
January 9, 1985

HIGHWAY COMMENTS: (Cont'd)

Street lights exist on both York Road and Malbay Drive.

The Developers shall be responsible for construction stake-out of all highway improvements require in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

Screening shall be placed so as to prevent headlights within the parking areas from interfering with the traffic on the adjacent road.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem facilities, would be the full responsibility of the Developer.

It appears that public storm drains will be required through this site to provide an outfall for upstream properties. Additional study will be required to determine exactly how the Heaver Properties to the north of this site will be drained at the time of development.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on the required construction plans.

A sediment control plan is required.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Project #84300
York Green
Page 4
January 9, 1985

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilizations aforementioned will result in the termination of all processing phases of this development.

10-101 A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year and 10-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

Drainage studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

The Developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

For the residential portion of this property, the Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

Offsite rights-of-way are necessary for storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

With the acquisition of Lot #2 of the Ennor Property by the Developer, the need for offsite easements would be eliminated. While not absolutely essential, temporary construction strips would be desirable for construction between the houses fronting on Othoridge Road.

The grading on the residential portion of this tract should be restudied to provide a better drainage pattern.

Project #84300
York Green
Page 5
January 9, 1985

WATER AND SANITARY SEWER COMMENTS:

Public water exists along the road frontage of this site; however, the adequacy of flow for fire protection from the 10-inch main in York Road is doubtful. The Developer's engineer is requested to work with the Fire Protection Division of the Fire Department and the Water Design Section of the Bureau of Engineering to determine if adequate flow is available or how it can be made available.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

The commercial portion of this property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

For the residential portion of this property the determination of the Water System Connection Charges applicable will be predicated on the established relationship using a 5/8 inch water meter at a cost of \$575.00 per living unit. The Sewer System Connection Charge likewise is based on a 5/8 inch water meter at a cost of \$875.00 per living unit.

The total Water and/or Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

For the residential portion of this property, permission to obtain metered connections from the existing main and to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

Project #84300
York Green
Page 6
January 9, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

Public sanitary sewer with the associated right-of-way appears to be required through "York Green" for future construction upstream of this property. Additional study will be required to determine exactly how the Heaver Properties, to the north of this site, will be served by sanitary sewer at the time of development.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

For the construction of two or more buildings, the Developer shall submit one (1) set of engineering drawings, signed and sealed by a Design Engineer, to be directed to the Plumbing Division via the Buildings Review Section when applying for a new building permit application. These drawings will include, but are not limited to the following information:

a. All proposed lines will be marked with size of line and type of pipe.

b. Length of line between changes in direction or changes in grade, or between manholes and/or cleanouts.

c. Invert elevations for all proposed cleanouts and/or manholes.

d. Proposed elevations and grades of proposed building floor elevations and finished grades.

e. Percent grades between cleanouts and/or manholes.

f. Proposed location of connection to each building.

g. The number of dwelling units in each building.

h. Certification by Design Engineer that all lines were designed for the required capacity by the Fixture-Unit Method of Design described in A.S.C.E. Manual of Practice No. 37, and that a 2-foot per second minimum velocity is available at the design flow for the size and slope selected.

This drawing will become the copy for the Baltimore County Plumbing Department's permanent files and records. When received, the Plumbing Inspection Division will authorize issuance of a permit for the construction of the private sewer system upon proper application by a master plumber with installation to be made by journeyman plumbers.

No building permit applications will be approved until these drawings have been submitted to the Plumbing Division.

Edmund A. McDonough
EDMUND A. McDONOUGH, P.E., Chief
Developers Engineering Division

EAH:REC:iss

DEPARTMENT OF PLANNING
BALTIMORE COUNTY PUBLIC SCHOOLS
COUNTY REVIEW GROUP MEETING

RECEIVED
JAN 7 1985

OF 1/10/85

BUREAU OF PUBLIC SERVICES

Development York Green

Location 1310 York Rd. Westside of York Rd. Opp. Greenridge Rd.
District 9

Comments

School Situation

School	Enrollment	Capacity	Over/Under
Lutherville-Timonium El.	403	510	-107
Ridgely Middle	236	1294	-458
Towson High	1271	1775	-504

Future Construction

School	Status	Capacity	Estimated To Open
--------	--------	----------	-------------------

Programmed Construction

School	Capacity	Year Programmed	Estimated To Open
--------	----------	-----------------	-------------------

Possible Student Yield

Elementary 1

Junior 1

Senior 1

*Subject to availability of funds

CRG Meeting of Jan 10, 1985
York Green

1. Soils indicated on plan are desirable for infiltration. All infiltration structures must be 50' from any structure with a basement (i.e. wing B & wing D). Soil boring data is required into final designs. Infiltration of the first inch of rainfall is required.

2. 2, 10 & 100 year peak management is required in Roland Run.

3. The existing 27" down outlet must be verified adequate.

Q. L. Johnson
12/23/84



Maryland Department of Transportation
State Highway Administration

William K. Hoffmann
Secretary
Hal Kassoff
Administrator

January 7, 1985

Mr. J. Markle, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: CRG Meeting of 1-10-85
"York Green", W/S
York Rd., Route 45
Opposite Green Ridge Rd.

Dear Mr. Markle:

On review of the submittal of 12-7-84 and field inspection, the State Highway Administration - Bureau of Engineering Access Permits offers the following comments.

With the centerline of Greenridge Road and the York Road intersection falling 15' north of the adjoining property line of the "Ennor Property" (91212 York Road), the State Highway Administration strongly recommends that all access to the "York Green" site be constructed on the Greenridge centerline as a viaduct entrance.

This alignment will require a letter from the adjoining owner to the south agreeing to the radius return crossing the adverse frontage and that no access will be requested within this area at a future date.

We recommend to Baltimore County that if and when the property to the south develops, "all" access to York Road should be by way of an uncommon access opposite Greenridge Road with any additional access by way of Othoridge Road.

An uncommon access to York Road must be by way of a standard 35' radius return entrance, with 20' radii centered on Greenridge Road.

If approval can not be obtained from the adjoining owner to the south for a uncommon access, the developer of the "York Green" site must provide a 5' tangent distance from the property line prior to a depressed 35' entrance with 3' transitions.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 7171 707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Markle

-2-

January 7, 1984

All reconstruction of the York Road and Greenridge Road intersection traffic signals shall be at the expense of the developer.

The proposed Guard House located 50' west of the York Road curb line could cause traffic to back into the proposed intersection. We recommend a minimum of 100' for the Guard House to the York Road curb line.

The submittal of 12-7-84 was forwarded to the State Highway Administration District #4 Traffic Engineer for review and comment. On receipt of these comments additional information will be forwarded to Baltimore County.

All work within the State Highway Administration right of way must be through SHA permit with the posting of a bond to guarantee construction.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

Enclosure

Attachment

Mr. J. Ogle
Mackenzie & Assoc., Inc.
Mr. S. Plencens



Maryland Department of Transportation
State Highway Administration

William K. Hoffmann
Secretary
Hal Kassoff
Administrator

January 14, 1985

Mr. J. Markle
Chief Bureau of Public
Service
County Office Bldg.
Towson, Maryland 21204

Re: Additional Comments
to the revised site plan
of 1/9/85
"York Green" w/s
York Road, Route 45
opposite Green Ridge Rd.

Dear Mr. Markle,

On review of the revised submittal of 1/9/85 for York Green, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

By: George Wittman

CL-GH/es

cc: Mr. J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 7171 707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

William K. Hollmann
Secretary
Hal Kassoff
Administrator

January 19, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attention: Mr. N. Commodari

Re: ZAC Meeting of 1-2-85
ITEM: #181.
Property Owner: MacKenzi
Properties, Inc.
Location: SW/S York Road
Route 45, 39.40' S/W from
c/1 Greenridge Road
Existing Zoning: R.O.
Proposed Zoning: Special
Exception for Class B
Office Building
Acres: 4.52
District: 9th

Dear Mr. Jablon:

Attached for your review are County Review Group comments dated 1-7-85.

Be advised the developer has revised his site plan dated 1-9-85, that the State Highway Administration finds generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

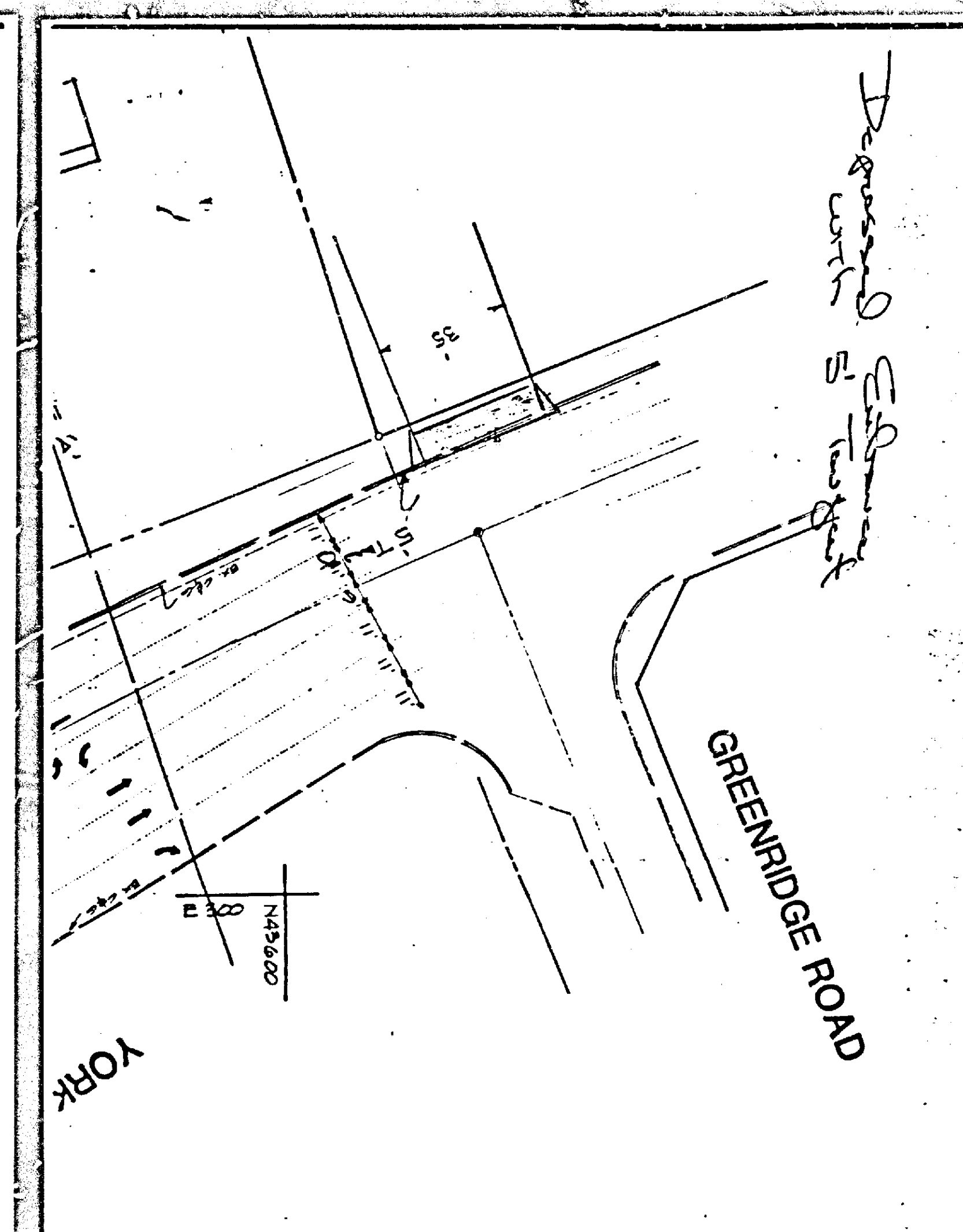
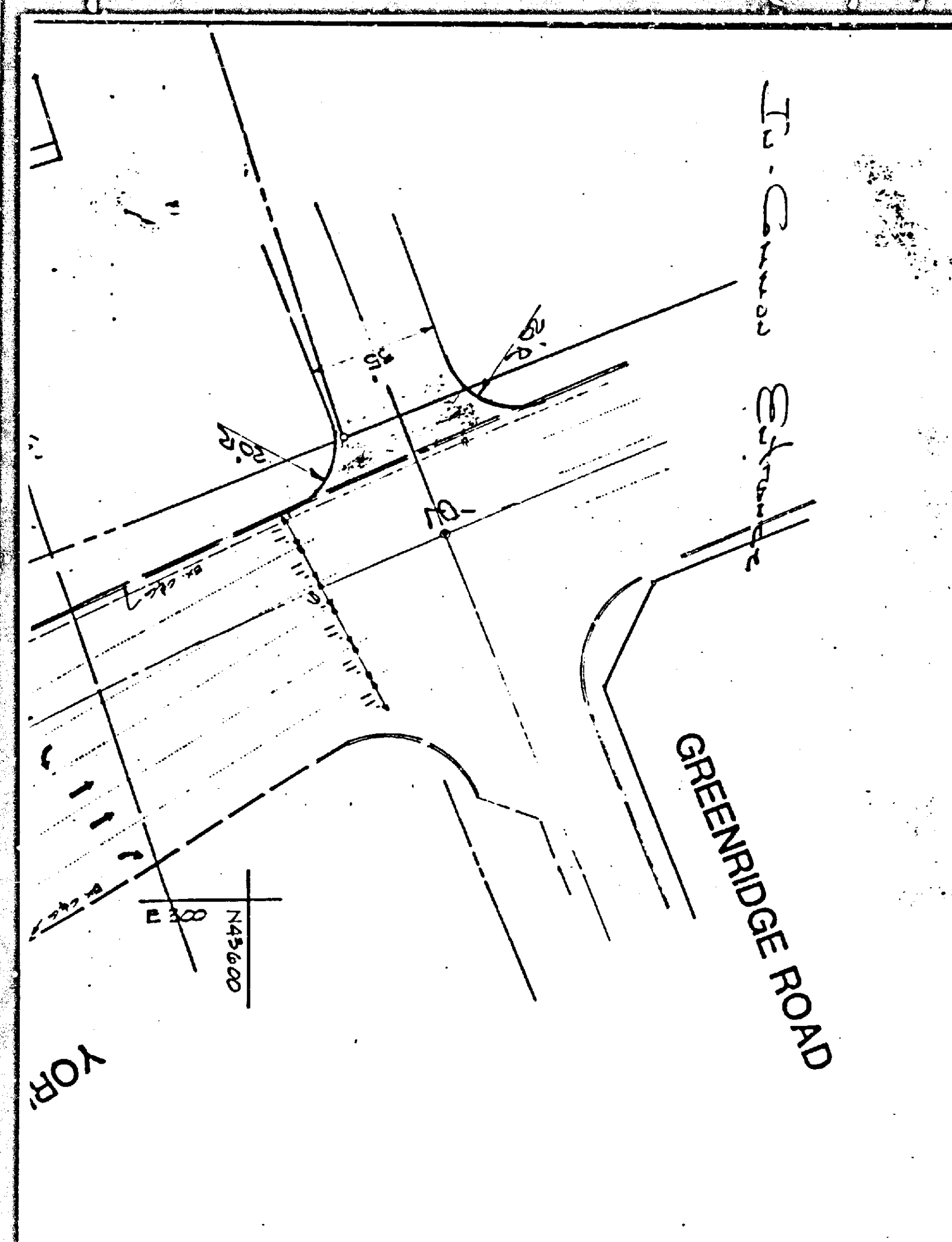
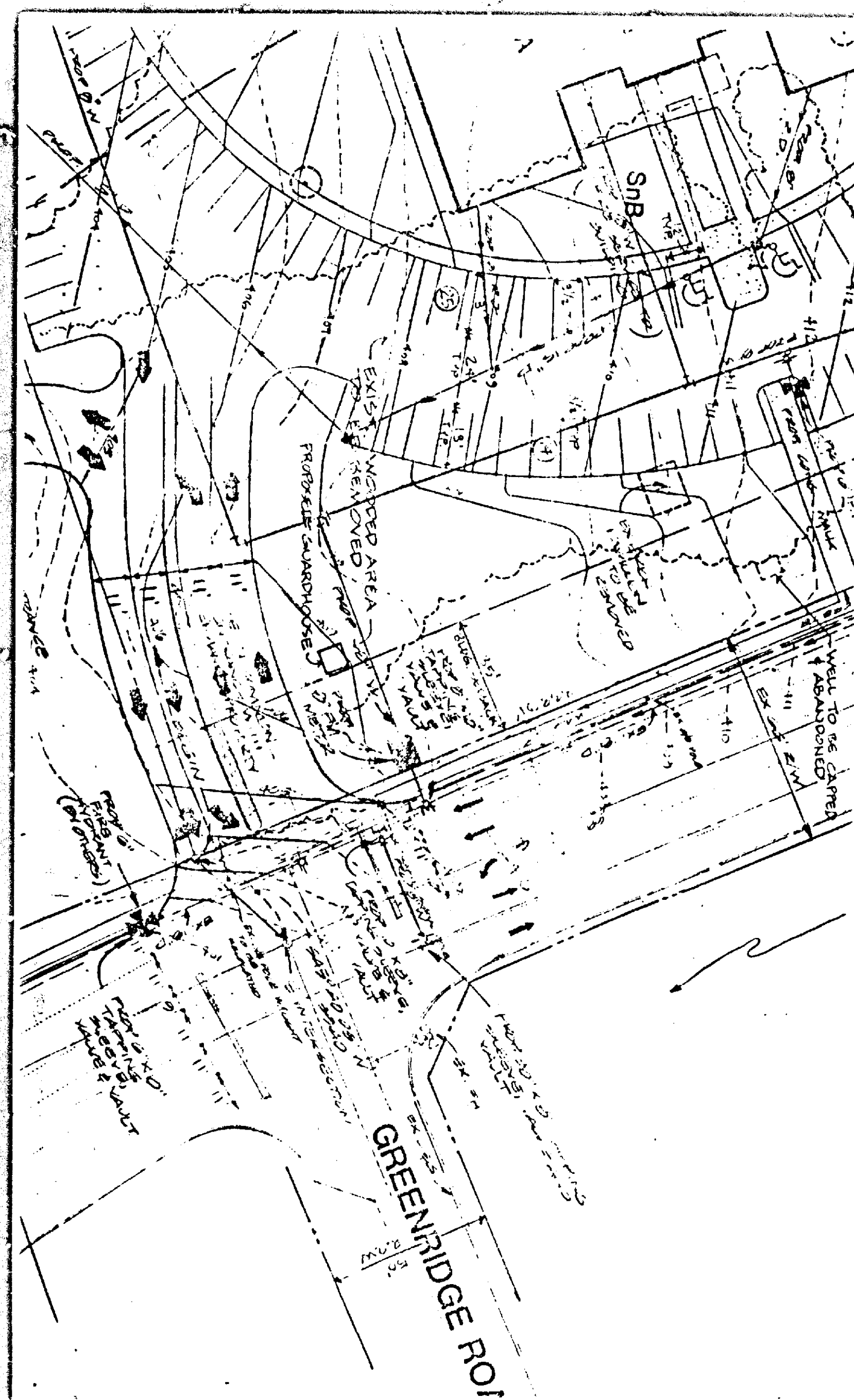
CL:GW:maw

Attachment

cc: Mr. J. Ogle

My tel. no number is (301) 659-1350

Telephone for impaired hearing or speech
393-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING

DATE: January 9, 1985

PROJECT NAME: York Green
COUNCIL & ELECTION DISTRICT: 1K-444
PLAN: XXXXXXXXXXXXXXXXXXXXXXXX
PLAN EXTENSION: _____
REVISED PLAN: _____
PLAT: _____

The Office of Planning and Zoning has reviewed the subject plan and has the following comments:

The property located on the South side of this site is zoned R.O. and is proposed for office development. This office concurs with the Department of Traffic Engineering's recommendation that an in common entrance be provided opposite Greenridge Road to serve both developments. An access easement must be recorded for the use in common area which establishes access rights, utility rights and maintenance responsibilities.

The possibility of internal vehicular and pedestrian access between this site and the Heaver property to the North must be studied since the Heaver property is also proposed for office development in the R.O. zone.

A formal request for modification of Landscape Manual standard for use of a stockade fence along the South side of the site has not been submitted to this office. The fact that the adjoining property is zoned R.O. is not sufficient reason to justify the waiver to the required 8' landscape strip. It is recommended that the parking in this area be redesigned to accommodate landscaping. A Final landscape plan prepared by a registered landscape architect must be approved by this office prior to issuance of any permits.

The parandale driveway must be 16' wide and should be relocated opposite Malbey Court. Lots 1 and 2 must also use the parandale driveway for access. The trash pad and mail box area must be detailed on the Final Development Plan. It is recommended that the mail boxes be clustered and the trash pad area be attractively fenced.

A Final Development Plan, a Plat, and a Final Landscape Plan will be required for the residential lots prior to issuance of any permits.

Ann Currell
S. Correll

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

DATE: 1/9/85

PROJECT NAME: York Green
LOCATION: n/s York Rd. opposite Greenridge Rd.
DISTRICT: 9th Election District
PLAN: _____
DEVELOPMENT PLAN: _____
PLAT: _____

These comments were written on the CRG plan and accompanying elevation drawings dated 12/7/84.

- A Special Exception for a Class B Office Building, Item 181, was filed on 12/21/84 with the Zoning Office. If CRG approval occurs, final approval of any building permits is contingent upon the outcome of the zoning hearing.
- There are several revisions needed on both the elevation drawings and CRG plan prior to plan approval.
 - The elevation drawings show the parapet extending more than 4' above the limiting height of 35'. The top of the parapet is considered to be the top of the railing therefore the overall height appears to be approximately 47'. The building should either be redesigned so that the height of the parapet is no more than 39' or a Variance may be requested.
 - The CRG plan shows "basement connectors" between Wing B and Wings C & D. These connectors are evidently above grade and do attach the wings making this all one building. The connection must be more clearly labeled on the plan.
 - A note must be added to the CRG plan which states that all amenity open space which adjoins a parking lot will be a minimum 7' in width, and 10' in width if adjacent to the building.
 - Note 4 with regard to R. O. signage must state that the sign must be on the building wall.
 - It should be noted that the guardhouse shown on the plans is not permitted in an R.O. zone since a Class B office building allows no more than one building on a lot.
 - It should be noted that the 8' x 1 1/2' compact car spaces are acceptable but only because they are excess spaces.
- The D. R. 5-5 portion of the site will require a final development plan. On the final development plan the following height and area requirements must be met.
 - 15' window to lot line
 - 35' window to tract boundary
 - 10' between facing windowsall height to height requirements if there are windows on the units

Diana Titter
DIANA TITTER
Zoning Associate III

DI:sz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Cy Benson Date: January 8, 1985

FROM: Charles K. Weiss, Chief Bureau of Sanitation

SUBJECT: York Green 1310 York Road

Although this is a commercial venture to which Baltimore County does not provide collection, it should be noted that if the dumpster pad is in scale (1"=30'), a front end truck could not pick up the container. It would necessitate a wheeled rear end container that could be physically pulled down a ramp and put on the parking lot to be dumped or take up one additional parking spot and angle the pad for accessibility by a front end loader truck, if screening is enforced.

CKW:gw

Screening loss of one parking spot.

Mr. Brooks Stafford
Environmental Effects Report York Green (Name)

Page Two

- The developer must follow the Health Department Wetland Guidelines.
- (Other)

C. BEST MANAGEMENT PRACTICES

- All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
- Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
- Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
- Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
- Filling will not occur in grassed or lined drainage ditches or swales.
-

spms

1-2-85
Date

COSTY REVIEW GROUP
SUBDIVISION REVIEW COMMENTS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

YORK GREEN
Subdivision Name, Section and/or Plat

C. Wayne Pinc
Developer and/or Engineer

Joise Falls
Water

1
No. of Lots or Units

6.9
Total Acreage

Public
Water

Public
Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.

Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.

Public sewers, public water, must be utilized and/or extended to serve the property.

A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, is not required, is incomplete and must be revised, has been reviewed and approved.

A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: on this attached memo dated 1-6-85

It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

1. The abandoned, dry well located approximately 50' from York Rd. must be backfilled with clean earth before signing of the record plat

SS 783R

BALTIMORE COUNTY, MARYLAND
DATE: January 7, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Certain Joseph Kelly

PROJECT NAME York Green PRELIMINARY PLAN
PROJECT NUMBER CRG Agenda 1/10/85, 10:00 am TENTATIVE PLAN
LOCATION: 1310 York Road DEVELOPMENT PLAN
DISTRICT: 9 FINAL PLAT

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.

2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on York Road as close to proposed site as possible. Test results are to be forwarded to the Office of the Fire Protection Engineer.

3. Proposed panhandle driveways must be a minimum of 16 feet in width and of a hard surface capable of supporting emergency apparatus, weighing 50,000 pounds on two axles.

4. Submitted site plan fails to indicate proposed fire hydrant spacing at 300 feet intervals according to Baltimore County Standard Design Manual.

5. Business building wings A, B, C, D have poor access for fire apparatus, due to covered walkways and lack of roadways in rear of buildings. Plan is unacceptable as shown.

6. Are buildings connected by basement connectors shown on Dwg. 10P4?

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

January 11, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #181 Zoning Advisory Committee Meeting are as follows:

Property Owner: MacKenzie Properties, Inc.
Location: SW/4 York Road 39.4' SW from c/l Greenridge Road
Existing Zoning: R.O. (based on new zoning maps)
Proposed Zoning: Special exception for Class B Office Building

Acres: 4.52
District: 9th.

The items checked below are applicable:

☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill L-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

☒ A building/ & other miscellaneous permit shall be required before beginning construction.

☒ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

☒ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

☒ An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.

☒ Requested variance appears to conflict with the Baltimore County Building Code, Section/s.

☒ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

☒ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

☒ Comments - See attached comments.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Nicholas Comodori, Zoning Department Date: January 11, 1985

FROM: C.E. Burnham, Chief, Building Plans Review CEB

SUBJECT: Item #181

1. All buildings are noted as having more than two levels. Section .06 "Interior Access" of the Code of Maryland Regulations 05.01.07 requires access to all levels be provided for the handicapped, by elevator, ramp or other approved means in buildings more than two levels. Irregardless of areas unless a waiver is granted by the State.

2. Building or buildings shall comply with the height and area requirements of the building code in force at the time the permit is applied for. Tables 401 and 505.

3. Beware of the rating of exterior walls caused by separation requirements for accessory structures such as gazebos.

4. Where 5'-0" setback envelopes are permitted a structure built under the R.O.C.A. Basic Building Code would require a 1 hour rated wall assembly if it case within 6'-0" of the interior lot line. However, the 1 and 2 family code is more lenient permitting construction to within 3'-0" of an interior lot line. Consider this a point of information.

5. Show curb cuts, legitimate handicapped signs, etc.

CEB/vw

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW/4 of York Rd., 39.4' SW of
Greenridge Rd., 9th District : OF BALTIMORE COUNTY
MacKENZIE PROPERTIES, INC., : Case No. 85-231-X
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 13th day of February, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

February 27, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #181 Zoning Advisory Committee Meeting are as follows:

Property Owner: MacKenzie Properties, Inc.
Location: SW/4 York Road 39.4' SW from c/l Greenridge Road
Existing Zoning: R.O. (based on new zoning maps)
Proposed Zoning: Special exception for Class B Office Building

Acres: 4.52
District: 9th.

The items checked below are applicable:

☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill L-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

☒ A building/ & other miscellaneous permit shall be required before beginning construction.

☒ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

☒ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

☒ An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.

☒ Requested variance appears to conflict with the Baltimore County Building Code, Section/s.

☒ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

☒ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

☒ Comments-The designer is knowledgeable of the height/area, construction types, Handicapped and other Code requirements so I will not comment on the building design at this time. It will be reviewed thoroughly when a permit is applied for. However, in order to use Section 506.2 for perimeter marking access to that open area is required for Fire Department use by an 18'-0" fire lane.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

IN RE: PETITION SPECIAL EXCEPTION
SW/4 of York Road, 39.4' SW
of Greenridge Road - 9th
Election District
MacKenzie Properties, Inc.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-231-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building in a R-O Zone, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Contract Purchaser, MacKenzie Properties, Inc. (MacKenzie), appeared and was represented by Counsel. Also appearing and testifying on behalf of the Petitioner were Gary T. Gill, Executive Vice President of MacKenzie, Nathaniel Fick, a registered engineer, and Donald Smith, a registered architect. There were no Protestants.

Testimony indicated that the subject property, zoned R-O and D.R.5.5, is adjacent to York Road in Lutherville. The Petitioner proposes to construct a three-story Class B office building, consisting of approximately 60,000 square feet, on those 4 1/2 acres zoned R-O and fronting York Road. The building will consist of approximately 50,000 square feet of gross leasable general office space. Residential use will be retained for the rear portion and landscaped buffer areas will be provided. Indeed, the Petitioner has entered into and executed an agreement containing restrictive covenants with the Orchard Hills Community Association which will be recorded among the Land Records of Baltimore County. See Petitioner's Exhibit 5. These covenants delineate the conditions upon which the building will be constructed, including site lighting, vehicle access points, building materials, etc. The proposed building was approved by the County Review Group (CRG) on January 10, 1985.

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Testimony from Mr. Smith and Mr. Fick was that all of the conditions set forth in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) will be satisfied.

One issue of importance is the height of the proposed building. A Class B office building can be no higher than 35 feet, Section 101 - Office Building, Class B, BCZR, and the height of a building is the vertical distance measured from the average grade to the average elevation of the roof of the highest story, as defined in Section 101 - Building Height.

The proposed building is unusual as it is composed of two roof lines with one higher than the other. The "H-shaped" building has wings with dormers which have roof lines lower than the roof line of the main building. The Zoning Office computed the height of the building from the average grade to the average elevation of the roof of the main building, while the Petitioner averaged the roof lines of the wings and the main building. The difference is 3 feet, i.e., 38 feet as opposed to 35 feet.

The Baltimore County Building Code (BOCA), p. 31, defines building height as the vertical distance from the grade to the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof. There is no disparity between the BCZR and the BOCA. It is clear that the Baltimore County Council intended that the building height be measured from the average grade to the average elevation of the highest roof line of the highest story. Any contrary finding would be inconsistent with the obvious intent of the legislation when it enacted the various laws defining building height.

However, inasmuch as the difference in computation is minor and as there is no adverse impact on the public interest, as exhibited by the agreement invoking restrictive covenants cited above, the proposed building will be approved as shown on Petitioner's Exhibits 1 through 4.

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